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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,737	01/07/2004	Stephanie Kraus	54317-025904	6352
33717	7590	02/07/2006	EXAMINER	
GREENBERG TRAURIG LLP 2450 COLORADO AVENUE, SUITE 400E SANTA MONICA, CA 90404			GOODWIN, JEANNE M	
			ART UNIT	PAPER NUMBER
			2841	

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/753,737

Applicant(s)

KRAUS ET AL.

Examiner

Jeanne-Marguerite Goodwin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-28, 31 and 32 is/are allowed.
- 6) ☒ Claim(s) 29 is/are rejected.
- 7) ☒ Claim(s) 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Objections*

Claim 30 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer back in the alternative only. See MPEP § 608.01(n). The applicant is required to remove one of the claim references. Accordingly, the claim 30 has not been further treated on the merits.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,000,037 to Baresh.

**Regarding claim 29:** Baresh discloses a process for manufacturing a leaf-spring element comprising cutting a material; annealing the material; bending the cut annealed material; and heat treating the bent cut annealed material (col. 10, lines 45-57). Baresh discloses everything, except, the cutting occurs before the annealing, the reversal of the two steps would have been obvious to one of ordinary skill in the art because the annealing of the entire sheet/spring (without cutouts) would have produced a more even anneal than if the spring is annealed after the cutouts have been removed. Furthermore, the reversal of steps does not result in an

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unexpected result. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to replace the process of Baresh, with the process, as taught by Applicant, in order to produce a more even annealing of the spring.

### ***Response to Arguments***

Applicant's arguments, see page 5, lines 21-26, page 6, lines 11, filed Oct. 21, 2005, with respect to claims 25-28, 31 and 32 have been fully considered and are persuasive. The rejection of claims 25-28, 31 and 32 has been withdrawn. Applicant's arguments regarding why Michlin is not combinable with Myers, i.e., providing Michlin's device with the legs disclosed in Myers, would render the jumper-fighting device non-functional is persuasive. Additionally, newly found prior art US Patent 1,315,326 to Palis does appear to show a spring element having a first and second lateral portions and comprising a slanted leg, a central portion being a bent central portion. Palis fails to further show each slanted leg comprising a first leg portion and a second leg portion, the first leg portion substantially lying in a first plane, the second leg portion substantially lying on a second plane different from the first plane, the second leg portion ending with a hollow section, each of the first and second lateral portions comprising a first corner substantially facing the central portion and the central portion having a substantially trapezoidal shape and having a first slanted edge and a second slanted edge and there seems to be no motivation to modify the device shown in Palis to accommodate such structure as stated above.

### ***Allowable Subject Matter***

Claims 25-28 allowed.

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The following is an Examiner's statement of reasons for allowance:

Claim 25 states the limitation "each of the first and second lateral portions having a substantially rectangular shape and comprising a slanted leg, each slanted leg comprising a first leg portion and a second leg portion, the first leg portion substantially lying in a first plane, the second leg portion substantially lying on a second plane different from the first plane, the second leg portion ending with a hollow section, each of the first and second lateral portions comprising a first corner substantially facing the central portion; the central portion being a bent central portion having a substantially trapezoidal shape and having a first slanted edge and a second slanted edge". This limitation, in conjunction with the other claimed limitations was neither found to be disclosed in, nor suggested by the prior art.

Claims 26, 31 and 32 have been found to be allowable as being dependent upon the allowable claim 25.

Similarly, claim 27 states the limitation "each of the first and second lateral portions having a substantially rectangular shape and comprising a slanted leg, each slanted leg comprising a first leg portion and a second leg portion, the first leg portion substantially lying in a first plane, the second leg portion substantially lying on a second plane different from the first plane, the second leg portion ending with a hollow section, each of the first and second lateral portions comprising a first corner substantially facing the central portion; the central portion being a bent central portion having a substantially trapezoidal shape and having a first slanted edge and a second slanted edge". This limitation, in conjunction with the other claimed limitations was neither found to be disclosed in, nor suggested by the prior art.

Similarly, claim 28 states the limitation "each of the first and second lateral portions

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having a substantially rectangular shape and comprising a slanted leg, each slanted leg comprising a first leg portion and a second leg portion, the first leg portion substantially lying in a first plane, the second leg portion substantially lying on a second plane different from the first plane, the second leg portion ending with a hollow section, each of the first and second lateral portions comprising a first corner substantially facing the central portion; the central portion being a bent central portion having a substantially trapezoidal shape and having a first slanted edge and a second slanted edge". This limitation, in conjunction with the other claimed limitations was neither found to be disclosed in, nor suggested by the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeanne-Marguerite Goodwin whose telephone number is (571) 272-2104.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

JGM  
01/19/06



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